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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF CALIFORNIA,	)	Case No.: CR-09-00552 JW
)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER ADVANCING HEARING ON
vs.	)	DEFENDANT ESCOBAR'S MOTION
	)	TO SEVER COUNT 5 (Doc 131) FROM
	)	AUGUST 15, 2011 TO JULY 18, 2011
)	
Defendant)	

This matter is set for a hearing on defendant German Escobar's Motion to Sever Count 5 (Document 131) on August 15, 2011 at 1:30 p.m.. Defendant German Escobar is the only defendant in Count 5, and therefore the matter is only of concern to Defendant Escobar and the Government. For the following reasons, the parties stipulate to advance this hearing to July 18, 2011 at 1:30 p.m.

Local Criminal Rules Rule 47 – 2 requires that “all motions in criminal cases shall be filed, served and noticed in writing for hearing not less than 14 days after service of the motion ...”

Unfortunately, defendant's motion to sever Count 5 was not ready to serve and efile until July 5, 2011, which meant it could not be noticed for any day before

1 July 19, 2011. The web page for the Northern District of California indicated that
2 Judge Davila was unavailable July 20, 2011 through August 10, 2011. Thus, the
3 first timely date was August 15, 2011.

4 However, the parties agree that it would advance judicial economy and
5 promote a more orderly resolution of issues to have this motion decided at the time
6 of the pretrial conference, and therefore stipulate that the hearing may be advanced
7 to July 18, 2011 at 1:30 p.m. and heard at that time.

8 The parties further stipulate that notwithstanding Local Criminal Rule 47-
9 2(d), any opposition should be filed by July 12, 2011, and any reply filed by July 14,
10 2011.

11 It is so stipulated.

12 Respectfully submitted,

13 Dated: July 7, 2011

MELINDA HAAG

UNITED STATES ATTORNEY

15 _____/s/_____
16 THOMAS A. COLTHURST
17 SUZANEE M. DeBERRY
Assistant U.S. Attorneys

18
19 Dated: April 21, 2011

20 _____/s/_____
JAMES McNAIR THOMPSON, ESQ.
Attorney for German Escobar

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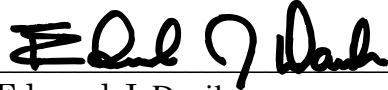
UNITED STATES OF CALIFORNIA,)	Case No.: CR-09-00552 JW
)	
Plaintiff,)	[PROPOSED] ORDER ADVANCING
	)	HEARING ON DEFENDANT
vs.	)	ESCOBAR'S MOTION TO SEVER
	)	COUNT 5 (Doc 131) FROM AUGUST
	)	15, 2011 TO JULY 18, 2011
Defendant)	
)	

Based upon the Stipulation of the parties, and good cause therefore
appearing,

IT IS HEREBY ORDERED that the hearing on defendant GERMAN
ESCOBAR'S Motion to Sever Count 5, filed on July 5, 2011 as Document 131, is
hereby advanced from August 15, 2011 at 1:30 p.m. to **July 19, 2011** at 1:30 p.m.

1 IT IS FURTHER ORDERED that notwithstanding Local Criminal Rule 47-
2 2(d), any opposition should be filed by July 12, 2011, and any reply filed by July 14,
3 2011.

4 Dated this 6th day of July, 2011

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6 Edward J. Davila
7 United States District Judge
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